

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
104905-0008

In re Application of: Edward L. Sinofsky

Application No.: 10/756,717-Conf. #2652

Filed: January 13, 2004

For: SURGICAL ABLATION INSTRUMENTS WITH IRRIGATION FEATURES

The owner*, EDWARDS LIFESCIENCES CORPORATION, of 100
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of
any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any
patent granted on pending reference Application Number 10/756,645, filed on January 13, 2004,
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by
any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner
hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it
and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on
the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent
granted on said reference application, "as the term of any patent granted on said reference application may be shortened by
any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such
patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is
found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR
1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration
of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,
etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on
information and belief are believed to be true; and further that these statements were made with the knowledge that willful false
statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United
States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 28,711


Signature

NOV. 1, 2006
April 25, 2006
Date

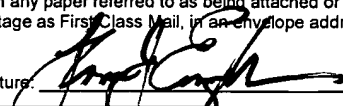
Thomas J. Engellenner
Typed or printed name

(617) 439-2000
Telephone Number

- ☐ * Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

* fee previously paid

Terminal Disclaimer	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, 58897-1450, VA 22313-1450.	
Dated: <u>NOV. 1, 2006</u> <u>April 25, 2006</u>	Signature:  (Thomas J. Engellenner)